



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,731	04/11/2001	Raymond Vincent Powers	3025/1G659-US2	3451

7590 01/26/2005

DARBY & DARBY P.C.
805 Third Avenue
New York, NY 10022

EXAMINER

RUHL, DENNIS WILLIAM

ART UNIT	PAPER NUMBER
----------	--------------

3629

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,731

Applicant(s)

POWERS, RAYMOND VINCENT

Examiner

Dennis Ruhl

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/27/01</u> . | 6) <input type="checkbox"/> Other: ____ |

With respect to the IDS of 8/27/01, with respect to the statement that an English translation of the foreign document cited on the 1449 has been provided for the examiner, no foreign document has been cited on the 1449 and no translation of anything has been provided. The examiner is not clear as to what this statement is referring to. Clarification is requested on this foreign reference. The request that references from the specification be considered by the examiner even if the references are not on the 1449 is noted but, all conditions relating to information disclosure statements must be complied with for a particular reference to be considered, one of which is that all references that applicant wants considered must be on a proper 1449. See 37 CFR 1.97 and 1.98. In this case the specification does not even contain a reference to any documents or patents so this statement seems to be in error.

112,2

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claims 1,9, the preamble recites "to a customer who scheduled a service appointment" but the body of the claim recites "the customer scheduling a service appointment". It is not clear to the examiner if the claim requires the scheduling of an appointment as the body of the claim indicates, or if the claim is reciting that the

Art Unit: 3629

appointment has previously been scheduled. The preamble and the body of the claim contradict each other (scheduled or scheduling?). Correction is required.

103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over "iCarumba" (web pages from the IDS submission).

For claims 1-16, "iCarumba" discloses a method of allowing a customer to schedule an appointment for a vehicle needing to be serviced. Page 24 of 30 shows the providing of an electronic appointment book in a calendar format. Shown is a calendar from February of 2000 and also shown is that one could look to January or March of 2000 in the appointment book. The customer can use the electronic appointment book to schedule an appointment as claimed. "iCarumba" also discloses that some service centers will offer additional services such as shuttle service, car wash, rental car, open Saturdays, or a loaner car. See page 5/30 as an example. A customer can then make sure that the service center they are taking their car to will offer a desired service, such as a loaner car. Not disclosed is that the customer is prompted for a loaner car. Because the service of a loaner car is a service that a particular service center may offer, it would have been obvious to one of ordinary skill in

Art Unit: 3629

the art at the time the invention was made to prompt the customer on whether or not they desire a loaner car. This could be done when the customer is dropping off the car at the service center or be done previous to the dropping off of the car to be serviced.

The claim does not recite in what manner the prompting is being done or when the prompting is done. Applicant should also take notice that the portion of the claim in part d) is not required to reject this claim. This is because in the event a customer makes an appointment at a service center that does offer a loaner car, they can decline the offer for the loaner car. In that case the entire section d) of the claim is not required. Claims 1 and 9 cover the situation where the customer can decline the loaner car or accept the loaner car. The language "if" in the claim does not require section d) as part of the claim scope.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lohrey et al. (4803348), Kenny et al. (6505754), Pires et al. (6131808), Pelletier et al. (5212649), Vasquez (4616111), Lockwood et al. (4359631), Lowell et al. (2002/0073012), Powell et al. (2001/0049619), and Chapin Jr. (5931878).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 703-308-2262. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DENNIS RUHL
PRIMARY EXAMINER